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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,595	07/30/2003	Emmanuelle Moisy	11016-0017	6220

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CLARK & BRODY
1090 VERMONT AVENUE, NW
SUITE 250
WASHINGTON, DC 20005

EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,595

Applicant(s)

MOISY ET AL.

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The drawings dated 3/29/2005 have been approved by the Examiner.

Claims 2-5, and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 2, line 1, the phraseology "a top segment of a weatherstrip according to claim 1" is not readily understood by the Examiner. Specifically, is the applicant claiming a weatherstrip having a top segment or a top segment in combination with a weatherstrip? In claim 3, line 1, the phraseology "a vertical segment of a weatherstrip according to claim 1" is not readily understood by the Examiner. Specifically, is the applicant claiming a weatherstrip having a vertical segment or a vertical segment in combination with a weatherstrip? In claim 5, line 1, the phraseology "a top segment of a weatherstrip according to claim 1" is not readily understood by the Examiner. Specifically, is the applicant claiming a weatherstrip having a top segment or a top segment in combination with a weatherstrip? In claim 15, line 7, the phraseology "and/or" is not readily understood by the Examiner. Specifically, exactly what is the applicant trying to claim. In claim 16, line 1, the phraseology "a motor vehicle window slideway is not readily understood by the Examiner. Is this the same slideway as recited in claim 1, line 1 or are there two different slideways? In claim 16, line 3, the phraseology "by a weatherstrip that is not reinforced" is not readily

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understood by the Examiner. Claim 1 recites reinforcement in at least one part of the weatherstrip as recited in claim 1, lines 7-9. In claim 18, line 1, the phraseology "a motor vehicle window slideway" is not readily understood by the Examiner. Is this the same slideway as recited in claim 1, line 1 or are there two different slideways? In claim 18, lines 1-2, the phraseology "a single flange type" is not readily understood by the Examiner. Is it a single flange or not? What other types of "single flanges" are there? In claim 2, line 4, the phraseology "and/or" is not readily understood by the Examiner. Specifically, exactly what is the applicant trying to claim? In claim 5, line 3, it appears that "plane" should be --planar--. In claim 10, line 2, is "a root" different than the "roots" as recited in claim 9, line 5?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 1-3, 5, 6, 8, and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahlfeld et al. ('124). Ahlfeld et al. ('124) disclose a weatherstrip formed of polypropylene material for a motor vehicle comprising one reinforced (34) clip having a web (the flat portion) and two jaws (both side portions) parallel to each other to form a channel, one (Figure 5 shows the element in the web) or more (Figure 6 shows the element in both the web and in solely in one jaw) planar

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reinforcing elements (32 and 62), a retaining abutment (38) for contacting a flange, and a clearance accommodating lip (52).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlfeld ('124) in view of Bright ('072). All of the elements of the instant invention are discussed in detail above except providing the retaining abutment to come into contact with a projection on the flange. Bright ('072) discloses a weatherstrip having a retaining abutment (8) mounted to a flange (5) having a projection (6). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the weatherstrip of Ahlfeld ('124) with a flange having a projection as taught by Bright et al. ('072) since the projection on the flange better secures the weatherstrip on the vehicle.

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlfeld et al. ('124) in view of Andrzejewski et al. ('521). All of the elements of the instant invention are discussed in detail above except providing two parallel branches extending perpendicular to the flange. As shown in Figure 4, Andrzejewski et al. ('521) disclose two substantially parallel branches (42 and flange opposite to 42 next to

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opening 60 but not labeled) forming hinges, smaller bending modules than that of the clip, and having a reduced thickness (on branch on the left has the reduced thickness).

Applicant's arguments with respect to claims 1-3, and 5-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.


Jerry Redman
Primary Examiner